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 60CV-20-1445  
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**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS**

**KARL JOHNSON**

**PLAINTIFF**

**VS.**

**CASE NO: 60CV-20 \_\_\_\_\_**

**EVERGREEN PACKAGING INC.**

**DEFENDANT**

**COMPLAINT**

COMES the Plaintiff, **KARL JOHNSON**, by and through Counsel, **SUTTER & GILLHAM, P.L.L.C.**; and for his Complaint, he states:

**PARTIES AND JURISDICTION**

1. Plaintiff, **KARL JOHNSON**, (hereinafter “Johnson”), is a resident and citizen of the State of Arkansas, who works for the Defendant, **EVERGREEN PACKAGING INC.**, in Arkansas.
2. **EVERGREEN PACKAGING INC.**, (hereinafter “Evergreen”), is a corporation authorized to do business in the State of Arkansas, who may be served in this County.
3. This is an action brought under the ACRA of 1993 for illegal race discrimination and retaliation for an amount not exceeding that required for diversity jurisdiction.
4. Accordingly, this Court has personal subject matter jurisdiction and venue is proper. No federal claims are brought.

**GENERAL ALLEGATIONS OF FACTS**

5. Plaintiff is a black male.
6. In late October-December 2014, another African-American employee named Calvin Smith, (hereinafter “Smith”), complained about race discrimination, or participated in an investigation regarding those allegations.
7. Smith called in a corporate concern about illegal race discrimination and retaliation just a few days before he was suspended for thirty-six (36) days, without pay. Smith was falsely accused of threats of violence. Other Caucasians who made threats of violence, or who acted

violently, at the same work site, under the same policies and procedures, were not suspended for thirty-six (36) days.

8. Smith continued to complain about illegal race discrimination and retaliation.
9. Plaintiff Johnson, participated in the investigation and supported Smith's Complaint. Johnson was a witness for Smith as to how Smith was being treated, as well as to how Caucasians were treated. As a result, Plaintiff, Johnson, lost pay.
10. Smith filed an EEOC charge, and then filed a lawsuit in 2015.
11. In 2017, after that investigation, Plaintiff Johnson was disciplined for missing work. They falsely claimed that he did not work on multiple days, when he had in fact worked. They falsely claimed he missed work on a day that was his day off. Johnson complained about this, but nothing was done.
12. Plaintiff's work was nitpicked. Defendant's management regularly used derogatory tones directed toward Smith and Johnson but did not use those tones against whites or those who had not filed a lawsuit like this one.
13. In 2017, on another occasion, Calvin Smith and Karl Johnson, got permission to go to HR to raise an issue. They went to HR. Afterwards, both were disciplined for going to HR, and Evergreen threatened them with termination.
14. After the last motion was filed, the abusive barrage of nitpicking complaints, derisive comments, and attempts to provoke Johnson escalated even more, resulting in such a hostile work environment that Johnson has been forced to take FMLA leave, thereby losing pay.

**COUNT I**

15. Plaintiff re-alleges the foregoing as if fully set out herein.
16. Defendant is sued for retaliating and discriminating against the Plaintiff Johnson in violation of A.C.A. §16-123-107 and 108.

17. Similarly situated individuals who are white, or who have not engaged in a protected activity, were not suspended thirty-six (36) days without pay. Nor have they been subjected to a hostile work environment.
18. As a result, the Defendant has violated the anti-retaliation provision of the ACRA.
19. As direct and proximate of Defendant's acts and omissions alleged herein, Plaintiff has suffered severe mental and emotional stress, lost wages, incurred other damages in an amount to be proven at trial.
20. Defendant's actions have been so egregious so to warrant the imposition of punitive damages.

**JURY DEMAND**

21. Plaintiff Johnson requests a trial by jury.

WHEREFORE, Plaintiff, **KARL JOHNSON**, prays for appropriate compensatory and punitive damages exceeding seventy-five thousand dollars (\$75,000); for a trial by jury; for an injunction requiring the Defendant to cease its retaliatory practices; for declaratory judgment that Defendant, **EVERGREEN PACKAGING INC.**, has violated the ACRA; for reasonable attorneys' fees and for costs; and, for all other proper relief.

Respectfully submitted,

**SUTTER & GILLHAM, P.L.L.C.**  
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